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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,366	12/22/2000	Stephen Charles Appling	1555-0020	2463

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EXAMINER

BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/18/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,366

Applicant(s)

APPLING, STEPHEN CHARLES

Examiner

Dennis G Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14 and 16-21, are drawn to a method of displaying and refreshing items on a webpage, classified in class 715, subclass 517.
  - II. Claim 15, is drawn to a method of networking, classified in class 345, subclass 733.
2. Inventions of group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as being used in a completely different client server relationship from that claimed in group II. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with William Silverio, a attorney who is covering the cases for Michael S. Pavento, on July 3, 2003 a provisional election was made with traverse to prosecute the invention of Stephen Charles Appling, claims 1-14 and 16-21. Affirmation of this election must be made by applicant in replying to this Office

action. Claim 15 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a) because they fail to show invisible IFRAME 200 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. Claims 6, 12, and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The claims are written in the form of a preamble made to depend on another claim. The stated preamble is not given patentable weight as it fails to breathe life, meaning, and vitality into the claims. As such, the claims fail to further limit the subject matter of the claim(s) upon which they depend. See MPEP §§ 608.01(n) and 2111.02. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Proper form states the parent claim, then the characteristics of the child claim.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., Patent # 5,907,681, hereinafter Bates and Graham. Bates teaches a display in a webpage (column 1, line 54), that has at least one updateable object (column 2, line 6), and this object periodically requests updated data and updates (column 2, line 3). Bates however fails to show the use of a frame having zero height and zero weight (a.k.a. IFRAME or ILAYER), the optional use of an object that is an HTML element, or script executable by the frame without user interaction. With regard to claim 1, Graham however teaches a frame similar to that of Bates, but in addition, further teaches an IFRAME (or ILAYER, the Netscape Navigator equivalent) that can be made invisible through setting it's VISIBILITY equal to "hidden" (see page 412, line 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates and Graham before him at the time the invention was made, to modify the frame taught by Bates to include the invisibility option taught by Graham, in order to obtain an means for having one frame deal with checking with updates and another frame dedicated to displaying the corresponding updated data. One would have been motivated to make such a combination because the two-frame setup can be used to direct one frame's document to load new content into another frame. With regard to claim 2, Graham also teaches the optional use of an object that is an HTML element (see column 3, line 24). With regard to claim 3, Bates also teaches to request data at

timer thresholds (see column 2, line 8). With regard to claim 4, Bates also teaches script executable by the frame without user interaction (see column 2, line 11).

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, and Flanagan. Bates and Graham, *supra* teach a display in a webpage, that has at least one updateable object, that this object periodically requests updated data and updates, and a frame having zero height and zero weight managing the updates. They however fail to teach the web page updating without refreshing the entire screen, and it being used in a computer readable medium. With regard to claim 5, Flanagan teaches a web display system similar to that of Bates and Graham, but also teaches the web page updating without refreshing the entire screen (see page 252, line 11 and page 622, line 21). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, and Flanagan before him at the time the invention was made to modify the updateable web page taught by Bates and Graham to include the selective refreshing of Flanagan. One would have been motivated to make such a combination because selective refreshing can significantly lower processing time. With regard to claim 6, Bates teaches the use of a computer readable medium.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, and Hesselink et al., Patent # 6,499,054, hereinafter Hesselink. Bates and Graham teach a display in a webpage (column 1, line 54), that has at least one updateable object (column 2, line 6), that this object periodically requests updated data and updates (column 2, line 3), and a frame having zero height and zero weight managing the updates. They however fail to teach updated data being generated by a

java servlet. Hesselink teaches a method for monitoring and controlling a system from a different physical location similar to that of Bates and Graham, he also teaches the use of a java servlet for generating updated data (see column 9, line 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, and Hesselink before him at the time the invention was made to, to modify Bates and Graham's web page to use a java servlet in the generation of updated data. One would have been motivated to make such a combination because the java servlet helps to search and retrieve previously recorded physical process data.

12. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, Flanagan, and Hoog et al., Patent # 6,385,510, hereinafter Hoog. The rejections for claim 1, under Bates and Graham, and the rejection for claim 5, under Flanagan, listed above reject all the same material as in claim 8, except that they fail to teach receiving data from a sensor on a HVAC system. Hoog teaches a monitoring system similar to that of Bates, Graham, and Flanagan, but also teaches receiving data from a HVAC system, see column 4, line 13 and column 2, line 22. It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, and Flanagan before him at the time the invention was made to, to modify the monitoring system of Bates, Graham, and Flanagan to incorporate the ability to monitor a HVAC system like Hoog's. One would have been motivated to make such a combination because effective monitoring of HVAC systems can increase efficiency. With regard to claim 9, Graham further teaches a frame with zero height and zero width (see page 412, line 10). With regard to claim 10, Bates further teaches the ability refresh without user

interaction (see column 2, line 11). With regard to claim 11, Flanagan further teaches ability to update without refreshing the entire screen (see page 252, line 11 and page 622, line 21). With regard to claims 12 and 14, Bates also teaches the use of a computer readable medium (see column 2, line 56). With regard to claim 13, Hoog also teaches that the conditions measured include time, temperature, airflow, and damper position (see column 10, line 35).

13. Claims 16-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, and Hoog. The rejection for claim 1 teaches all that is in claim 16 except for a communication device for receiving a webpage data file, and a processor for carrying out the functions of creating the web page. Hoog teaches a monitoring system similar to that of Bates and Graham, but also teaches the use of a communication device for receiving a webpage data file (see figure 1), and a processor for carrying out the functions of creating the web page (see figure 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates and Graham to include the communication device for receiving a webpage data file, and a processor for carrying out the functions of creating the web page, taught by Hoog. One would have been motivated to make such a combination because without a communication device and a processor the system would not be able to receive or process data. With regard to claim 17, Bates further teaches computer readable instructions to update in response to reaching a timer threshold (see column 2, line 8). With regard to claim 18, Bates further teaches a script executable by the frame without



user interaction (see column 2, line 11). With regard to claim 21, Graham also teaches that the said invisible frame is an inline frame (see page 412, line 10).

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, and Hoog *supra* and Flanagan. Flanagan teaches a web display system similar to that of Bates, Graham, and Hoog, *supra* but also teaches the web page updating without refreshing the entire screen (see page 252, line 11 and page 622, line 21). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, Hoog, and Flanagan before him at the time the invention was made to, to modify the web page taught by Bates, Graham, and Hoog to include the selective refreshing of Flanagan. One would have been motivated to make such a combination because selective refreshing can significantly lower processing time.

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Graham, and Hoog *supra* and Hesselink. Hesselink teaches a method for monitoring and controlling a system from a different physical location similar to that of Bates, Graham, and Hoog, *supra* he also teaches the use of a java servlet for generating updated data (see column 9, line 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Bates, Graham, Hoog, and Hesselink before him at the time the invention was made to, to modify Bates, Graham, and Hoog's web page to use a java servlet in the generation of updated data. One would have been motivated to make such a combination because the java servlet helps to search and retrieve previously recorded physical process data.

**Conclusion**

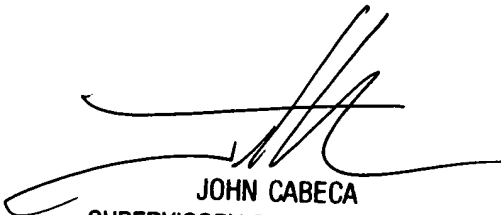
16. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach means for selectively updating data on web page based monitoring systems.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m..

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dgb  
July 8, 2003



JOHN CABECA  
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